

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 774 & 915

92ND GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, April 8, 2004, with recommendation that the Senate Committee Substitute do pass.

3166S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 59.319, RSMo, and to enact in lieu thereof three new sections relating to fees for certain housing programs.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 59.319, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 59.319, 215.264, and 215.265, to read as follows:

59.319. 1. A user fee of four dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instrument. The state portion of the fee shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury. Two dollars of such fee shall be retained by the recorder and deposited in a recorder's fund and not in county general revenue for record storage, microfilming, and preservation, including anything necessarily pertaining thereto. The recorder's funds shall be kept in a special fund by the treasurer and shall be budgeted and expended at the direction of the recorder and shall not be used to substitute for or subsidize any allocation of general revenue for the operation of the recorder's office without the express consent of the recorder. The recorder's fund may be audited by the appropriate auditing agency, and any unexpended balance shall be left in the fund to accumulate from year to year with interest.

2. An additional fee of [three] **five** dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instruments specified in subdivisions (1) and (2) of section 59.330. **Of** the fees collected from this additional [three] **five** dollars per recorded instrument, **four dollars and fifty cents** shall be forwarded monthly by each recorder of deeds to the state

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury. **The remaining fifty cents collected pursuant to this subsection shall be deposited in the recorder's fund.**

3. **An additional fee of one dollar shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instruments specified in subdivisions (1) and (2) of section 59.330. The fees collected from this additional dollar per recorded instrument shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury.**

4. The state treasurer and the commissioner of administration shall establish an appropriate account within the state treasury and in accordance with the state's accounting methods. Any receipt required by this section to be deposited in the general revenue fund shall be credited as follows: the amount of one dollar for each fee collected under subsection 1 of this section to an account to be utilized for the purposes of sections [60.500] **60.510** to 60.610, RSMo; the amount of one dollar for each fee collected under subsection 1 of this section to an account to be utilized by the secretary of state for additional preservation of local records; and the amount of [three] **four dollars and fifty cents** collected under subsection 2 of this section into the Missouri housing trust fund as designated in section 215.034, RSMo, and the amount of one dollar collected pursuant to subsection 3 of this section into the lifetime home fund as established in section 215.264, RSMo.

215.264. 1. The "Lifetime Home Fund" is hereby established in the state treasury. At the conclusion of each fiscal year, the state treasurer shall allocate all moneys in the lifetime home fund to the Missouri housing development commission for disbursement and investment as directed in this section. Moneys deposited in the fund shall include the designated funds received from the user fee established in section 59.319, RSMo, and any other amounts which may be received from grants, gifts, bequests, the state or federal government, or any other source. Moneys in the fund shall be used solely for the purposes established in section 215.265.

2. All administrative costs of the lifetime home program incurred by the Missouri housing development commission shall be paid from this fund, which costs annually shall not exceed six percent of the net annual revenues received into the fund.

3. In administering the lifetime home fund, the Missouri housing development commission shall commit or expend the moneys annually deposited into the fund and all interest earned on the fund. All moneys annually deposited in and interest earned on the housing trust fund shall be expended solely for the

purposes established in section 215.265.

4. The unexpended balance existing in the fund at the end of any biennium year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

215.265. 1. On or after January 1, 2005, any individual who submits an application with the Missouri housing development commission pursuant to this section, and who builds a universally designed lifetime home within any county, city, town, or village of this state shall be granted a one-time payment in an amount equal to five thousand dollars.

2. To receive a five thousand dollar grant from the lifetime home fund pursuant to this section, an individual shall voluntarily elect to submit an application to the Missouri housing development commission along with any documentation deemed necessary by the commission. The Missouri housing development commission shall, upon receipt of an application and appropriate documentation, issue to such qualified individuals a check in the amount of five thousand dollars and shall be payable from the lifetime home fund established pursuant to section 215.264. No other fund shall be liable for any payment authorized by this section.

3. The Missouri housing development commission is authorized to promulgate any rules necessary for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

4. If the commission receives more applications for such grants than there are funds in the lifetime home fund established pursuant to section 215.264, then the commission shall, by rule, determine the method of distribution of grants authorized for universally designed lifetime homes.

5. As used in this section, "universally designed lifetime home" means a single family residential dwelling containing no-step building entry, located on an accessible route from parking area (compliant with ANSI A117.1-1998-1002.3 and 1002.4) with a thirty-six inch entry door (compliant with ANSI A117.1-1998-404 with the exception of door width). The kitchen (compliant with ANSI A117.1-1998-

1002.12), bathroom (compliant with ANSI A117.1-1998-1002.11), laundry (compliant with ANSI A117.1-1998-1002.10) and at least one bedroom shall also be located on an accessible route (compliant with ANSI A117.1-1998-1002.3 and 1002.4) with minimum thirty-six inch interior doors (compliant with ANSI A117.1-1998-404, with exception of door width). All interior door hardware shall be lever hardware (compliant with ANSI A117.1-1998-404.2.7). All closets that require users to pass through the closet doorway to access the contents of the closet shall have minimum thirty-six inch doors, and all closets permitting access to the contents of the closet without entering the closet shall have no door restrictions. All hallways located on an accessible route shall be forty-two inches clear in width.

6. An individual can also qualify for a lifetime home grant by renovating an existing residence to meet any of the standards set forth in this section. The grant shall equal the amount of the actual cost of the renovation, not to exceed five thousand dollars.

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